

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

LUBRICANTES VENOCO  
INTERNACIONAL, C.A.,

Plaintiff,

v.

PEREZ & CIA. DE PUERTO RICO,  
INC.; FREDDY SANTANA,  
et al.,

Plaintiffs-Intervenors,

v.

M/V RIO NEVERI, her engines,  
furniture, apparel, etc., in  
rem; Lima-Sol Shipowners;  
Shipco Marine Management, and  
Coralita Shipping Co., Ltd., in  
personam.

Defendants.

Civil No. 98-1765 (JAF)

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U.S. DISTRICT COURT  
SAN JUAN, P.R.

FINAL ORDER OF DISTRIBUTION OF SALE PROCEEDS

Pursuant to Amended Orders for the Interlocutory Sale of the M/V RIO NEVERIS, entered October 1, November 24, and December 29, 1999, Docket Documents Nos. 61, 66, and 69, the arrested vessel was finally sold and released from custody on March 17, 2000. See Amended Order for Confirmation of Interlocutory Sale, entered March 15, 2000, Docket Document No. 91. The sale of the M/V RIO NEVERIS produced \$163,000 for distribution among claimants.

Civil No. 98-1765 (JAF)

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1 A hearing was held on March 30, 2000, for the purpose of  
2 considering the distribution of the sale proceeds of the  
3 interlocutory sale of the M/V RIO NEVERIS. Having heard the parties,  
4 the court **ORDERS** that the following distribution be made, consistent  
5 with the October 1, 1999 order:

6 (1) Dimitrious Kalogerakis, for salvage, \$130,000.00.

7 (2) United States Marshals Service, for insurance premiums,  
8 balance owed as of this date: \$10,630.58. See Addendum "A"  
9 to this Order. This expenditure is approved as a statutory  
10 ordinary and necessary expense incidental to the arrest.  
11 See 28 U.S.C. § 1921(a)(1)(E) and Department of Justice,  
12 United States Marshals Service Policy and Procedures  
13 Manual, Vol. VII: PROCESS, Admiralty, § 7.3-6.g.3 ("Even  
14 though a substitute custodian is appointed, the U.S.  
15 Marshal must continue to maintain on his or her own behalf,  
16 appropriate insurance covering the seizure until the vessel  
17 is sold or released from custody."), and § 7.3-7 *INSURANCE*  
18 ("The U.S. Marshal shall maintain insurance at all times,  
19 including when a substitute custodian or keeper has been  
20 appointed. . . .").

21 (3) A.L. Burbank, for incidental advertising expenses necessary  
22 for the sale of the vessel: \$8,000.00.

23 (4) Robert Fyffe, substitute custodian: \$14,369.42.  
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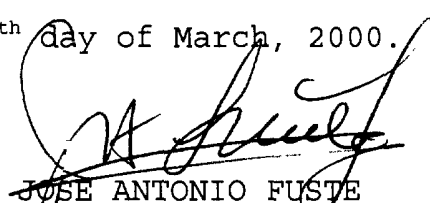
-3-

1       The balance of the custodial expenses incurred by Robert Fyffe  
2 will be paid by the plaintiff and the intervening plaintiffs in any  
3 amount to be agreed by the parties or further disposed of by the  
4 court after April 14, 2000.

5       It is further **ORDERED** that this case is closed, subject to any  
6 further adjustment on claims needing court intervention after  
7 April 14, 2000, and without prejudice of a hearing to resolve any  
8 arising dispute.  
9

10       **IT IS SO ORDERED.**

11       San Juan, Puerto Rico, this 30<sup>th</sup> day of March, 2000.

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13 JOSE ANTONIO FUSTE  
14 U.S. District Judge  
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U.S. Department of Justice ADDENDUM "A"

United States Marshals Service

# MEMORANDUM

*District of Puerto Rico*

*Hato Rey, PR 00918*

DATE : MARCH 20, 2000  
TO : MATTHEW J. GLOMB, TRIAL ATTORNEY  
FROM : ROBERT SCHMIDT, LT CIVIL DIVISION  
THROUGH : ROBERT OTTO, SUPERVISOR-DUSM NASAF/CIVIL  
RE : CASE # 98-1765 M/V RIO NEVERIS  
"AFFIDAVIT OF EXPENSES"

**SEIZURE EXPENSES**  
**\$128.58**

**SALE EXPENSES & COMMISSION**  
**\$2,305.00**

INSURANCE PREMIUMS AS OF MARCH 17, 2000.....\$18,197.00  
(MARCH 17,2000 - VESSEL WAS RELEASED)

SUB TOTAL.....\$20,630.58

PLAINTIFF DEPOSIT.....\$10,000.00  
\$10,630.58

TOTAL AMOUNT OWED TO USMS.....\$10,630.58

**SALE PROCEEDS**

1<sup>ST</sup> BIDDER'S DEFAULT DEPOSIT.....\$15,000.00  
2<sup>ND</sup> BIDDER'S PAYMENT.....\$148,000.00

TOTAL PROCEEDS FROM SALE.....\$163,000.00

IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT THE  
CIVIL DIVISION AT: (787) 766-6000 EXT. 206

CC: USAO